

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
DUSHAWN SEAN HOWARD,**

Plaintiff,

**9:20-cv-264
(GLS/DJS)**

v.

SHERIFF D. DAGOSTINO et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Dushawn Sean Howard
Pro Se
19-A-2588
Clinton Correctional Facility
P.O. Box 2001
Dannemora, NY 12929

FOR THE DEFENDANTS:

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TIMOTHY S. BRENNAN, ESQ.
KATRINA NICOLE VOLLMER,
ESQ.

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report-Recommendation and Order (R&R) by Magistrate Judge Daniel J. Stewart, duly filed January 19, 2022. (Dkt. No. 43.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections¹ having been filed, and the court having reviewed the R&R for clear error, it is hereby

ORDERED that the Report-Recommendation (Dkt. No. 43) is
ADOPTED in its entirety; and it is further

ORDERED that defendants' motions for summary judgment (Dkt. Nos. 23, 31) are **GRANTED**; and it is further

ORDERED that the amended complaint (Dkt. No. 7) is **DISMISSED**; and it is further

ORDERED that the Clerk is directed to close this case; and it is further

¹ After being granted additional time to file objections, (Dkt. No. 45), plaintiff filed a "Notice of Motion for Reargument." (Dkt. No. 46.) To the extent that document can be construed as objections to the R&R, it lacks any argument whatsoever and triggers error for clear error review only. See *Almonte v. N.Y. State Div. of Parole*, No. Civ. 904CV484, 2006 WL 149049, at *5-6 (N.D.N.Y. Jan. 18, 2006).

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

March 15, 2022
Albany, New York

Gary L. Sharpe
Gary L. Sharpe
U.S. District Judge